

City Council Study Session Agenda

**July 21, 2015
Library Conference Room
951 Spruce Street
7:00 PM**

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|-----------------------|---|
| 7:00 p.m. | I. Call to Order |
| 7:00 p.m. – 7:30 p.m. | II. Discussion – Board of Adjustment Annual Report |
| 7:30 p.m. – 8:00 p.m. | III. Discussion – Building Code Board of Appeals Annual Report |
| 8:00 p.m. – 8:05 p.m. | IV. City Manager's Report
a. Advanced Agenda |
| 8:05 p.m. – 8:10 p.m. | V. Identification of Future Agenda Items |

CITY COUNCIL COMMUNICATION AGENDA ITEM II

SUBJECT: ANNUAL REPORT – BOARD OF ADJUSTMENT ANNUAL REPORT

DATE: JULY 21, 2015

PRESENTED BY: SCOTT ROBINSON, PLANNER II

LIST HIGHLIGHTS AND SUCESESSES OF THE PAST YEAR:

From July 2014 to July 2015 the Board of Adjustment (BOA) heard 17 cases. The complete list of variance requests filed and their outcomes are presented below. All of the cases heard by the Board of Adjustment in 2014/15 were approved. The table below provides a brief summary of each requested variance.

Address	Request	LMC Sec.	Old Town Overlay?	Outcome
525 Lincoln	Side Setback	17.12.050	Yes	Approved
151 Lois	Lot Coverage	17.12.040	No	Approved
519 Adams	Lot Coverage	17.12.040	No	Approved
963 Sunflower	Lot Coverage	17.12.040	No	Approved
540-544 County	Floodplain	17.54	No	Approved
224 Front	Rear Setback	17.12.050	Yes	Approved
Xcel Gas Pipeline	Floodplain	17.54	No	Approved
DELO Plaza	Floodplain	17.54	No	Approved
Wastewater Plant	Floodplain	17.54	No	Approved
501 Jefferson	Side Setback	17.12.050	Yes	Approved
1240 Lafarge	Lot Size & Width	17.12.040	Yes	Approved
836 Mt Evans	Fence Height	17.16.170	No	Approved
598 Willow	Lot Coverage	17.12.040	No	Approved
500 Lois	Rear & Side Setbacks	17.12.040	No	Approved
145 Hoover	Rear Setback	17.16.030	No	Approved
611 Front	Floodplain	17.54	No	Approved
2146 Garfield	Side Setback	17.12.040	No	Approved

SUMMARY NARRATIVE:

A description of each case, including the date heard and final outcome follows:

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July 16, 2014

525 Lincoln Ave - Case #14-028-VA – a variance request for a 2 foot side yard setback variance and building separation variance to allow for an addition to be placed 5 feet from the southern property line at 525 Lincoln Avenue: Lots 11-12, Block 5, ACME Place Sub.

Staff Recommendation: Denial

BOA Decision: Approved

151 Lois Dr - Case #14-029-VA – a variance request for a lot area variance to allow for a 96 square foot deck at 151 Lois Drive: Lot 7, Block 8, Centennial Valley Filing 3 Sub.

Staff Recommendation: Approval

BOA Decision: Approved

August 20, 2014

519 Adams Ave – Case #14-030-VA - a variance request to allow an addition to an existing attached garage, creating a lot coverage of 21.3% where 20% is permitted at 519 Adams Avenue: Lots 59, Saratoga Sub.

Staff Recommendation: Approval

BOA Decision: Approved

963 Sunflower St - Case #14-031-VA - a variance request to allow an addition to an existing deck, creating a lot coverage of 25% where 20% is permitted at 963 Sunflower Street: Lot 76, Centennial 8 Subdivision.

Staff Recommendation: Approval

BOA Decision: Approved

September 17, 2014

540-544 County Road - Case #14-036-FL - Approval of a floodplain development permit to construct a 1400 SF addition to the existing historic Grain Elevator structure and a new 19,000 SF commercial building to the north in the AH flood hazard zone. The request includes a variance to the flood proofing requirement established in Title 17.56.

Staff Recommendation: Approval

BOA Decision: Approved

October 15, 2014

224 Front Street/225 County Road - Case #14-041-VA - A request for approval of a variance from Section 17.12.050 of the Louisville Municipal Code (LMC) to allow a 1 foot rear yard setback where 3 feet is required.

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Staff Recommendation: Approval

BOA Decision: Approved

November 19, 2014

Xcel Gas Pipeline - Case #14-045-FL - A request for a flood plain development permit to allow for the construction of a gas pipeline in the 100 year flood plain.

Staff Recommendation: Approval

BOA Decision: Approved

DELO Plaza - Case #14-046-FL - A request for a flood plain development permit to allow for the construction of a 4,000 SF commercial building in the 100 year flood plain.

Staff Recommendation: Approval

BOA Decision: Approved

Empire Wastewater Treatment Plant - Case #14-047-FL - A request for a flood plain development permit to allow for improvements to the existing Wastewater Treatment Facility located at 1555 Empire Road and located in the 100 year flood plain.

Staff Recommendation: Approval

BOA Decision: Approved

December 17, 2014

501 Jefferson Ave - Case #14-051-VA - A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) to allow an 8'1" side yard setback where 15 feet is required.

Staff Recommendation: Approval

BOA Decision: Approved

1240 Lafarge Ave - Case #14-053-VA - A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) for lot area and lot width to allow for a two lot minor subdivision.

Staff Recommendation: Approval

BOA Decision: Approved

January 21, 2015

836 Mt Evans Ct - Case #15-001-VA - A request for a variance from Section 17.16.170 of the Louisville Municipal Code (LMC) to allow a four foot fence around a swimming pool where five feet is required.

Staff Recommendation: Approval

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BOA Decision: Approved

March 18, 2015

598 W Willow St - Case #15-005-VA - A request for a variance from Section 17.12.040 of the Louisville Municipal Code (LMC) to allow 23% lot coverage where a 20% lot coverage is required.

Staff Recommendation: Denial

BOA Decision: Approved

April 15, 2015

500 Lois Drive - Case #15-006-VA - A request for variances from side and rear setback and lot coverage requirements of Section 17.12.040 of the Louisville Municipal Code (LMC) to allow the construction of front and rear porches and a shed.

Staff Recommendation: Approval

BOA Decision: Approved

May 20, 2015

145 S Hoover Ave - Case #15-012-VA - A request for a variance from the rear setback requirement of Section 17.16.030 of the Louisville Municipal Code (LMC) to allow the construction of a shed.

Staff Recommendation: Approval

BOA Decision: Approved

611 Front Street - Case #15-011-FL - A request for a floodplain development permit to allow the construction of a parking lot.

Staff Recommendation: Approval

BOA Decision: Approved

June 17, 2015

2146 Garfield - Case #15-016-VA - A request for a variance from the side setback requirement of Section 17.12.040 of the Louisville Municipal Code (LMC) to allow the construction of an addition.

Staff Recommendation: Approval

BOA Decision: Approved

WHAT WORKED WELL FOR YOUR BOARD THIS PAST YEAR?

The BOA members and their professionalism is a key component to the Board's success. BOA members always review the packet information ahead of time, ask pertinent questions, and always make sure their decisions are based on the criteria established in the Louisville Municipal Code (LMC) for variance approval. The board

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members are also happy with the new administrative variance process, which reduced the number of lot coverage variance requests the Board received.

WHAT DID NOT WORK WELL FOR YOUR BOARD THIS PAST YEAR?

The Board does not currently have an associate member, which would help ensure the Board always has a quorum.

LIST PLANS/GOALS FOR NEXT YEAR:

The Board intends to continue to hear and decide the applications it receives.

IN WHAT AREAS DO YOU NEED CITY COUNCIL INPUT/FEEDBACK?

The administrative variance process has been successful in reducing the number of lot coverage variance requests received by the Board, but it does not provide a permanent fix to the underlying problem. The Board would like to see the City address the discrepancies between Planned Unit Developments and underlying zoning.

KNOWING THAT FUNDING IS LIMITED AND NOT ALL PROGRAMS WILL BE A PRIORITY IN ANY GIVEN BUDGET YEAR, WHAT PROJECTS/ PROGRAMS/POSITIONS ETC. DOES THIS BOARD RECOMMEND THE CITY COUNCIL FUND IN NEXT YEAR'S BUDGET?

The Board recommends Council fund the Neighborhood Plans which will address the discrepancies between PUDs and underlying zoning.

ARE THERE LEGISLATIVE ISSUES (NEW LAWS, AMENDMENTS, CODES, ETC.) THIS BOARD WOULD ENCOURAGE THE CITY COUNCIL TO CONSIDER?

The Board requests Council follow through with the recommendations of the Neighborhood Plans when complete, and continue to make appropriate changes to the zoning code when problems are identified.

DO YOU HAVE QUESTIONS FOR THE CITY COUNCIL?

Not at this time.

RECOMMENDATION:

Discussion/Direction

ATTACHMENT(S):

1. None

**SUBJECT: ANNUAL REPORT – BUILDING CODE BOARD OF APPEALS
(BCBOA)**

DATE: JULY 21, 2015

**PRESENTED BY: KEN SWANSON, CHIEF BUILDING OFFICIAL,
PLANNING AND BUILDING SAFETY DEPARTMENT**

LIST HIGHLIGHTS AND SUCESESSES OF THE PAST YEAR:

No appeals were submitted last year. However, over the previous year the BCBOA did review the 2015 International Building Codes for possible adoption. The board has recommended City Council table discussions regarding the possible adoption of the codes, with the possibility to re-review the codes at a later date, for the following reasons:

- 1) The changes between the 2012 and 2015 codes were not at a significant level to warrant the adoption. The changes will not impact life safety issues.
- 2) The 2012 codes were adopted on March 31, 2014 and architects, contractors and homeowners are still adjusting to these changes.
- 3) There has not been enough time to evaluate the effectiveness of the 2015 document.
- 4) The City and other jurisdictions have generally adopted code updates every other cycle in the past.

WHAT WORKED WELL FOR YOUR BOARD THIS PAST YEAR?

The Board's success is linked to the open atmosphere and open discussion in BCBOA meetings.

WHAT DID NOT WORK WELL FOR YOUR BOARD THIS PAST YEAR?

The board made no comments for change.

LIST PLANS/GOALS FOR NEXT YEAR:

- A. Update LMC Sec. 15.04.070. – Section [A] 105.5 amended-Permit expiration.
Staff will propose changes to remove the amended section for permit expiration.
- B. Consistent inspections
Consistency for inspection calls is one of the leading requests from tract builders for the inspections. Inspectors routinely discuss codes in the office and occasionally do a field inspection as a group to ensure consistency.
- C. Implementation of NEW building department software

Inspections: The City's Building Safety Division currently does all building inspections through a paper process. Inspectors currently inspect and document the approvals and corrections in writing on a two part carbon paper form in the

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field. The inspector then has to input all the data for a second time into the computer record at the end of his/her shift.

The new software will allow customers to call in their inspections and it will also automatically schedule the inspectors' route the following day. Customers will also be able to go online and see the time for their inspections rather than call the office.

Customer Service: Currently, customers have no way of checking on the outcome of an inspection unless they visit the work site or call the office which is labor intensive. The software will allow an applicant to obtain over the counter permits on-line and obtain results of an inspection on-line.

Permits: Customers will be able to track the progress of their permit, through various departments.

Records: Software will allow the City to combine historic laserfiche files, physical files, and current permits into a single record. The laserfiche program allows staff to scan all records and thus eliminate the need for physical storage space.

Plan Review: The Planning and Building Safety Department is implementing new software that will allow staff to conduct plan review electronically.

IN WHAT AREAS DO YOU NEED CITY COUNCIL INPUT/FEEDBACK?

No feedback is needed at this time.

KNOWING THAT FUNDING IS LIMITED AND NOT ALL PROGRAMS WILL BE A PRIORITY IN ANY GIVEN BUDGET YEAR, WHAT PROJECTS/ PROGRAMS/POSITIONS ETC. DOES THIS BOARD RECOMMEND THE CITY COUNCIL FUND IN NEXT YEAR'S BUDGET?

1. Training for software implementation for all Building Safety staff
2. Staff support during software implementation.

ARE THERE LEGISLATIVE ISSUES (NEW LAWS, AMENDMENTS, CODES, ETC.) THIS BOARD WOULD ENCOURAGE THE CITY COUNCIL TO CONSIDER?

LMC Sec.15.04.070 (Permit expiration) changes will be proposed later in 2015.

DO YOU HAVE QUESTIONS FOR THE CITY COUNCIL?

No

RECOMMENDATION:

Discussion on items listed above.

ATTACHMENT(S):

None